

City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
July 7, 2004

[Click on back arrow to return to Main Menu](#)

Mayor David Dermer
Vice-Mayor Richard L. Steinberg
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Luis R. Garcia, Jr.
Commissioner Saul Gross Absent
Commissioner Jose Smith

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

Visit us on the Internet at www.miamibeachfl.gov for agendas and video "streaming" of City Commission Meetings.

ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

CONSENT AGENDA

- PA1 Scholarships Awarded by SMG, Centerplate & GMVCB to Five (5) Students.
- PA2 Certificate of Appreciation/Chuck Press, Retiring After 29 Years w/ MB Police Department.
- PA3 Certificates of Appreciation/Staff, for Making the 2004 Memorial Day Weekend Successful. (Garcia)
- PA4 Certificates of Appreciation/Recognizing the Success of Relay for Life Event Held on Miami Beach.

- C2A Issue RFP, Citizen/Public Opinion Survey Services.
- C2B Issue RFP, Provide Sign Language Interpreting Services to the City.

- C4A Ref: Neighborhood/Community Affairs Committee - Joseph Villari's Commemorative Plaque.

- C6A Report: Finance & Citywide Projects Committee Meeting of June 1, 2004.
- C6B Report: Land Use & Development Committee Meeting of June 7, 2004.
- C6C Report: General Obligation Bond Oversight Committee Meeting of June 7, 2004.

- C7A Set Public Hearing, Demolition of Library at Collins Park (2100 Collins Avenue).
- C7B Accept & Appropriate Funds, Flagler Memorial Phase I Project.
- C7C Approve Planning/Design & Permitting Services, Indian Creek Greenway Pilot Project.
- C7D Set Public Hearing, Review DRB Decision Requested by Oceanside at Fisher Island Condo.
- C7E Reestablish Existence of CMB Ad Hoc Charter Review/Revision Board for 2 More Months.
- C7F Consent Appointment, Kathie Brooks as Office of Budget & Performance Improvement Director.
- C7G Set Public Hearing, Conveyance of City-Owned Land to TRG-Alaska III, LLC.
- C7H Execute Lease Agreement, Use of City-Owned Property at 1701 Meridian Avenue.
- C7I Accept Recommendation, Place Commemorative Plaque for Mayor Mel Richard in Collins Park.
- C7J Submit Grant Applications to the State of Florida, the VCA, & Baseball Tomorrow.
- C7K Execute Consortium Agreements w/ M-D County; Monroe County; City of Miami & Hialeah.
- C7L Execute Multi-Family Housing Rehabilitation Program Agreement - 532 Michigan Avenue.

C7M Execute Multi-Family Housing Rehabilitation Program Agreement - 1241 Normandy Drive.
C7N Execute 2nd Amendment to HOME Program Agreement - 530 Michigan Avenue.
C7O Execute 2nd Renewal of MOA w/ FDOT, Turf/Landscape Maintenance of Julia Tuttle Causeway.
C7P Execute MOA w/ FDOT, Turf/Landscape Maintenance on MacArthur Causeway.
C7Q Set Public Hearing, Future Land Use Map (FLUM) Change.
C7R Set Public Hearing, Official Zoning District Map Change.
C7S Set Public Hearing, Comprehensive Plan Text Amendments.
C7T Set Public Hearing, Portofino DRI - Notice of Proposed Change.
C7U Terminate South Dade Electrical's Existing Contract w/ the City & All Standing Order Thereto.
C7V Execute MOA w/ M-D County, Installation of Standard Mast-Arm Signalization System.
C7W Set Public Hearing, Vacation of Property on 5860 North Bay Road.
C7X Set Public Hearing, Vacation of Property on 5900 North Bay Road.
C7Y Lien Settlement Agreement for Property Located at 2925 Indian Creek Drive.

REGULAR AGENDA

R5A **10:15 a.m. 2nd Rdg**, Amend "Human Relations," Add Definition for "Gender." (Garcia)
R5B **1st Rdg**, Amend "Human Relations," Set Rights of "Registered Domestic Partnerships." (Garcia)
R5C **5:00 p.m. 1st Rdg**, Amendments to Text of Land Development Regulations (LDR's). **5/7**

R7A **5:00 p.m.** Approve Settlement Agreement, Litigation Over Alaska Parcel.
R7B **11:00 a.m.** Approve Vacation of 2900 Prairie Avenue (Massimo & Jiska Barraca). **5/7**
R7C Extend Valet Parking Services Agreement w/ Gold Star Parking Systems.
R7D Extend Hourly Rate Contract w/ APCOA/Standard-VIP's Parking Systems.
R7E Approve Amendment to CDM Agreement, Upgrading Water & Sewer Pumping Stations.
R7F Execute Interlocal Agreement, Conduct Traffic Impact Study of MacArthur Causeway.
R7G Appropriate Miami Beach Share of County's PTP Funds for Local Transportation Projects.

R9A Board and Committee Appointments.
R9A1 Nominate Mr. Sidney Goldin to the Health Facilities Board. (Garcia)
R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
R9C Disc. Sister Cities Resolutions: Fortaleza, Brazil & Ramat Gan, Israel. (Dermer)
R9D **10:20 a.m.** Review DRB Decision for Marlborough House Condominium.
R9E Waiver of Conflict of Interest, Mansion Nightclub - 1235 Washington Avenue.
R9F **5:25 p.m.** Disc. Mitigation of Traffic for the 63rd Street Flyover Removal. (Steinberg)
R9G Disc. Preservation of Historic Homes in Altos Del Mar Park.
R9H Disc. Formation of a North Beach Youth Center Advisory Board. (Smith)

REPORTS AND INFORMATIONAL ITEMS

A City Attorney's Status Report.
B Parking Status Report.
C Status Report on Fire Station No. 2.
D Status Report on Fire Station No. 4.
E Informational Report on Federal, State, County, U.S. Communities & All Existing City Contracts.
F Minutes from the PACT Board Meeting of May 18, 2004. (Bower)
G **9:15 a.m.** Presentation & Report on the 2004 State Legislative Session.

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

2A Report of Itemized Revenues/Expenditures of RDA for May 2004.
3A Authorize Use/Appropriate Funds, Construction of Lummus Park Improvements.
3B Ratify Amendment to CDM Agreement, Upgrading Water & Sewer Pumping Stations.

Meeting called to order at 9:37:40 a.m.

Invocation given by Rabbi Pinchas Weberman from Ohev Shalom Congregation.

Pledge of Allegiance led by Assistant Police Chief Charles Press.

Times based on the digital recording in the City Clerk's Office

Addendum items:

ACTION: Motion made by Vice-Mayor Steinberg to add Addendum item C7Y as an emergency item, by 5/7 vote, to the Agenda; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Gross.

Supplemental Materials:

C7N (Agreement), R5A (Notice of Public Hearing), R7B (Memorandum and Resolution), R7E (Resolution), R9D (Notice of Public Hearing), and RDA-3B (Resolution)

PA - Presentations and Awards

10:10:31 a.m.

PA1 Scholarships Provided By SMG, Centerplate And The Greater Miami Visitors And Convention Bureau To Be Awarded To Five Students By The City Of Miami Beach Scholarship Committee.
(Neighborhoods Services)

ACTION: Scholarships presented by Colin Bastien and Vicki Underbrink (Catering Sales Director) with Centerplate, to Ms. Gianina Maria Ghirardi, Ms. Monica Kakanis, Ms. Michelle Milfort, Mr. Karlo Pacheco, Ms. Yara Ribero, and Ms. Vanesa Santana.

Jorge Gonzalez, City Manager, thanked the members of SMG and the Bureau for their generosity and congratulated everyone.

9:40:51 a.m.

PA2 Certificate Of Appreciation To Be Presented To Chuck Press, For Retiring After 29 Years Of Service With The Miami Beach Police Department.
(City Manager's Office)

ACTION: Certificate presented.

Mayor Dermer wished Assistant Chief Press good luck in his new position as Police Chief of Key Biscayne. He stated that this City has been the starting point for Police Chiefs in other cities throughout the state.

Vice-Mayor Steinberg congratulated Chuck Press. He stated that he got to know him well during the All America City Contest, in which he represented the City of Miami Beach so well.

Jorge Gonzalez, City Manager, stated that when one of our employees goes on to another City in a promotional capacity, it reflects well in the entire City.

Police Chief De Lucca spoke.

Chuck Press stated that after 29 and a half years working for the City of Miami Beach, is very hard to say good bye. He stated that he was at a loss trying to announce his departure at the Police Department and added that he will always wear the Miami Beach Police Officer hat with pride.

9:46:45 a.m.

- PA3 Certificates Of Appreciation To Be Presented To Staff Who Worked To Ensure That The 2004 Memorial Day Weekend Was A Success.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Certificates presented.

Special recognition given to: Christina Cuervo, Assistant City Manager, Don De Lucca, Police Chief, Ray Martinez, Assistant Police Chief, Carlos Noriega, Police Major along with the Police Department, Public Works Department, Sanitation Division, Code Compliance Division, Fire Department, Tourism and Cultural Development Department, Parking Department and Parks and Recreation Department.

Mayor Dermer gave a special thanks to Michael Aller, Chief of Protocol, for organizing the 4th of July event with Julio Iglesias Jr. in Concert and Memorial Day weekend.

Commissioner Garcia recognized the individuals that worked so hard to make this such a great event. He stated that Christina Cuervo, Assistant City Manager, is the key person behind this event and a very humble person and well deserved of this recognition. He also recognized Police Chief De Lucca, Assistant Police Chief Ray Martinez, Police Major Carlos Noriega, and he recognized all the other members of the team from the other departments that contributed to this event.

Jorge Gonzalez, City Manager, thanked Commissioner Garcia for his comments and stated that it takes a lot of hard work to make this event successful.

9:55:40 a.m.

- PA4 Certificates Of Appreciation To Be Presented In Recognition Of The Success Of The Relay For Life Event Held On Miami Beach.
(City Manager's Office)

ACTION: Certificates presented.

Mayor Dermer stated that this is the second year the City has participated in this event and the first year the City of Miami Beach had the highest amount of donations raised by a first time City.

Jorge Gonzalez, City Manager, recognized the involvement of Commissioners Garcia and Gross. He recognized all the departments for their participation. He stated that he is proud to be associated with this event.

Commissioner Garcia thanked the American Cancer Society and Relay for Life for recognizing his late wife.

A video of the event was shown.

Ronnie Singer, Communications Information Officer, stated that this could not have happened without everybody's help. She stated that the City employees did an incredible job raising funds and added that the total City of Miami Beach contribution will exceed \$100,000; and the City of Miami Beach employees raised \$30,000.

Donna Zemo presented Ronnie Singer with a Special Certificate of Appreciation and also presented a Certificate to the City of Miami Beach for its support. She stated that there still is a boat to be

raffled, and the fundraiser is not over until August.

Danika Kramer, Representative from the American Cancer Society, spoke.

Ronnie Singer presented a Certificates of Special Recognition to Ramiro Inguanzo, Nannette Rodriguez, Hector Echevarria, John Garvey, Marie-Claire Veloso, Ron Francis, Pat Hipple, Esther Perez-Trujillo, Boris Rodriguez, Julio Magrisso, Odessa Pinder, and Gabriel Donoso, and all of the departmental team leaders for their hard work. She expressed her sincere heartfelt thanks for everyone that participated on this event.

10:55:56 a.m.

NEW ITEM

2004 City Manager of the Year Award

Mayor Dermer stated that on a very high note regarding the League of Cities, he is pleased to announce that the first Florida League of Cities City Manager of the Year Award was awarded to Jorge Gonzalez, Miami Beach City Manager. He quoted from a press release received from the Florida League of Cities:

"The Florida League of Cities has selected Jorge M. Gonzalez as the City Manager of the Year for the state of Florida. Gonzalez's selection was announced at the Florida Cities of Excellence Awards ceremony held on June 26, 2004 in Orlando. This was the first time ever that the Florida League of Cities has given this award, making Gonzalez the first-ever recipient.

The City Manager of the Year award honors a city manager who displays exceptional excellence in the following areas: judgment, initiative, integrity, innovation, professionalism, commitment, and citizen relations. The Florida League of Cities states that the award was given to Gonzalez in recognition of his commitment to public service, innovative thinking and results-oriented accomplishments.

There are more that 400 municipalities in the state of Florida that are recognized by the Florida League of Cities.

Our managers help make up the backbone of our great Florida cities, said Dottie Reeder, Florida League of Cities president and mayor of Seminole, Florida. Jorge Gonzalez serves as a prototypical role model for other public servants across the state, and indeed the nation, who every work every day to provide the best in municipal service to their citizens. Jorge and the other finalists deserve to be recognized for their accomplishments, dedication and hard work."

Mayor Dermer stated that the Commission is very proud to have a City Manager that has been recognized by professionals and public officials throughout the State and the Commission is really proud of Jorge. This is a great day for the City of Miami Beach and this award and recognition elevates Miami Beach to an even higher level. He thanked Jorge for all his hard work.

Jorge Gonzalez, City Manager, stated that he appreciates the kind words; it certainly is a nice honor. He stated that what the award means, to him, is that the rest of the State sees the City of Miami Beach as a very well run community and an organization that is top-notch, including his staff and the administration, and the City Commission who sets the direction. Clearly we are doing things right because Miami Beach is receiving recognition at a statewide level.

Handout or Reference Material:

1. Jorge M. Gonzalez, 2004 Florida City Manager of the Year press release.

CONSENT AGENDA

ACTION: Motion made by Vice-Mayor Steinberg to approve the Consent Agenda; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Gross.

C2 - Competitive Bid Reports

- C2A Request For Approval To Issue A Request For Proposals (RFP) For Citizen/Public Opinion Survey Services.

(City Manager's Office)

ACTION: Award authorized. Gus Lopez to issue RFP. Ramiro Inguanzo and Kathie Brooks to handle.

- C2B Request For Approval To Issue A Request For Proposals (RFP), To Provide Sign Language Interpreting Services To The City, To Facilitate Communication With And Between Persons Who Are Deaf And Hard Of Hearing, For The City Commission Meetings, As Well As For Any Other City Administration Needs.

(Public Works)

ACTION: Award authorized. Gus Lopez to issue RFP. Fred Beckmann to handle.

C4 - Commission Committee Assignments

- C4A Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding The Placement Of A Commemorative Plaque In The Victory Garden, Honoring The Late Joseph Villari.
(Economic Development)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Max Sklar to handle.

C6 - Commission Committee Reports

- C6A Report Of The Finance And Citywide Projects Committee Meeting Of June 1, 2004: **1)** Discussion Regarding A Proposed Amendment Of Miami Beach Golf Club User Fees; **2)** Discussion On Policy Issues Regarding How The City Deals With Land Rights, And How To Ensure The City Receives Fair Compensation For The Abandonment Of Easements; **3) Discussion Regarding Certification Of Default Of Regosa Engineering On The Normandy Isle Park And Pool Project;** **4)** A Resolution Authorizing The Mayor And City Clerk To Approve An Increase To The Community Benefit Fund Surcharge On Tickets Sold At The Jackie Gleason Theater From \$1.00 To \$1.50, And To Reduce The Subsidy Percentage Paid From The Community Benefit Fund On Senior And Student Discounted Tickets From 80% To Approximately 71%.

ACTION:

Item 1.

The Committee moved the item to the full Commission, recommending adopting of the proposed

rates.

See Resolution No. 2004-25594.

Item 2.

The Committee directed the Administration to draft a resolution adding the issue of selling easements and City ROW for fair market value to the annual list of legislative priorities. **Kevin Crowder to handle.**

The Committee further requested that the Administration treat each applicant on a case-by-case basis; instructed the Administration that any application in question must have an overwhelming reason for the request; and, instructed the Administration to continue to notify all abutting property owners of specific requests as required by ordinance. **Fred Beckmann to handle.**

Item 3.

No action necessary, status update was given, item will be brought to the June 9, 2004 Meeting.

See Resolution No. 2004-25595.

Item 4.

Discussion regarding a Resolution of the Mayor and City Commission of the City of Miami Beach, Florida, authorizing the Mayor and the City Clerk to approve an increase t the community benefit fund surcharge on tickets sold at the Jackie Gleason Theater from \$1.00 to \$1.50, and to reduce the subsidy percentage paid from the Community Benefit Fund on senior and student discounted tickers from 80% to approximately 71%.

See Resolution No. 2004-25583.

C6B Report Of The Land Use And Development Committee Meeting Of June 7, 2004: **1)** Presentation And Discussion Regarding The Final Report On The Mayor's Blue Ribbon Panel On Structural Integrity Of Historic Buildings; **2)** An Ordinance Revising Parking Lot Setback Requirements In TH And Rm-1 Residential Districts When There Is An Approved Street Improvement Plan That Incorporates A Public-Private Parking Agreement; **3)** Discussion Regarding The Issue Of Whether There Should Be Property Owner Approval (For Single-Family Districts) For The Creation Of A Conservation District Before It Is Approved By The City Commission; And **4)** Discussion Regarding The Historic Preservation Board's Review Of Public Improvements Upon Rights-Of-Way Located Within Historic Districts.

ACTION:

Item 1.

The Committee heard a presentation from the Chair of the Ad Hoc Committee. It was decided that the Administration should attempt to re-write the section of the Code that deals with the structural neglect of buildings and bring forth an amendment through the Planning Board. (Note: any proposed amendment will also be reviewed by the Historic Preservation Board). The Committee also discussed potential changes to the recertification process and also expressed their general consent on the proposed changes as outlined by the Building Department. **Jorge Gomez to handle.**

Item 2.

The Committee agreed with the proposed amendment in concept and referred it to the Planning Board. The Committee also suggested adding the RM-2 district to include the proposed Gilbert Fein district. The Legal Department suggested a number of comments and non-substantive changes to the ordinance that will be reviewed by the Planning Department before it goes to the Planning Board.

Jorge Gomez to place on Planning Board agenda.

It was suggested that there might be a problem with spending G.O. Bond money on private property - CIP will follow up. Tim Hemstreet to handle.

The format and content of the "public-private parking agreement" was left up to the Administration and the Legal Department to work out the details, and does not need to be spelled out in the ordinance. Tim Hemstreet to handle.

The Committee agrees in concept with allowing the private property owner to control the use of the space, subject to any legal impediments.

Item 3.

The Land Use and Development Committee reviewed a flow chart prepared by Planning staff delineating the initiation and approval process of Neighborhood Conservation Districts and through public and committee discussion agreed that the process as defined in the first reading enabling ordinance does involve the substantial public notice and hearings required to achieve adequate neighborhood representation. The issue should be discussed in greater detail with the full Commission. Public Hearing scheduled for July 28. **Jorge Gomez to handle.**

Item 4.

The Committee instructed the Administration that every attempt should be made to get the projects reviewed by the regulatory boards after the BODR. The Legal Department will prepare an ordinance, at an earlier request by the Commission, that address the review of projects in the right-of-ways located in historic districts. The Legal Department also discussed the voting requirements for the Commission to consider certificates of appropriateness for demolition, an ordinance will be prepared that addresses this issue. **Legal Department to handle.**

- C6C Report Of The General Obligation Bond Oversight Committee Meeting Of June 7, 2004: 1) Change Order Report; 2) Recommendation To City Commission: a. Amendment No. 1 To Oceanfront For Indian Creek Greenway; 3) Project Status Report: a. Fire Station No. 2; b. Fire Station No. 4; c. Normandy Isle Park And Pool; 4) Informational Items: a. Updated Calendar Of Scheduled Community Meetings; b. Marseille Drive A/E Additional Services; c. North Shore Park And Youth Center Appropriation To Close Out Project; d. 42nd Street Streetscape Project LTC.

ACTION:

Item 1.

The Administration informed the Committee that two new change orders had been approved since the last meeting. A list of the change orders approved to date is attached as "Exhibit A" (in the Commission Agenda).

Item 2.

The Administration asked the Committee to consider an amendment to the Architecture/Engineering agreement with EDAW on the Oceanfront Neighborhood project to expand the scope of the project. EDAW would be asked to create a pilot project for the Indian Creek Greenway project within the boundaries of the Oceanfront Neighborhood project. Tasks would include a topographical survey and a hydrographical survey that are needed in order to create a concept plan. The fee negotiated between the City and EDAW was \$139,703.54. The Committee recommended that the City Commission amend the City's agreement with EDAW to include the Indian Creek Greenway pilot project for the negotiated amount.

See Agenda July 7, 2004 Agenda item C7C.

Item 3(a).

The Administration informed the Committee that the Contractor has begun preliminary site work on the **Fire Station No. 2** site to prepare for the construction of the new Fire Station. The Fire Station No. 2 facility will begin construction after completion of the Water Tanks portion, which is expected soon. After the new Fire Station No. 2 facility is complete, the renovation of the historic building will begin.

Item 3(b).

The Committee was told that the permit review process for the **Fire Station No. 4** project had not yet been completed. The project is being priced for construction by one of the City's Job Order Contracting (JOC) contractors. Demolition of the existing station will begin once the permit is issued.

The demolition commencement is anticipated prior to the end of June, with construction of the new Fire Station anticipated to start approximately 30 days later.

Item 4(a).

The updated calendar of community meetings was presented to the Committee, but not reviewed during the meeting.

Item 4(b).

The Administration informed the Committee of an appropriation of \$60,678.62, of which \$39,530.52 was from General Obligation Bond fund interest earnings, for the close out of the Marseille Drive Streetscape Project. This appropriation was made by the City Commission at their May 26, 2004 meeting to fund additional services for the Architect/Engineering firm that were approved at the close out of the project.

See Resolution No. 2004-25570.

Item 4(c).

The Administration informed the Committee of an appropriation of \$120,000 from the 1995 Parks Bond fund interest earnings for the North Shore Park and Youth Center. This appropriation was made by the City Commission at their May 26, 2004 meeting to provide additional funding for the project due to the exhaustion of the original project contingency.

See Resolution No. 2004-25571.

The Administration updated the Committee on the status of the 42nd Street Streetscape project. There had been complaints regarding nuisance dust, which has been mitigated by the construction of one travel lane. The project construction should be complete within a few weeks.

C7 - Resolutions

- C7A A Resolution Setting A Public Hearing, Pursuant To Miami Beach City Code Section 118-564, To Consider Granting A Certificate Of Appropriateness For Demolition Of The Existing Library At Collins Park, A Building Designated Non-Contributing, Located At 2100 Collins Avenue, In Order To Restore And Renovate Collins Park.

(Capital Improvement Projects)

ACTION: Resolution No. 2004-25624 adopted. Public Hearing scheduled for July 28, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Tim Hemstreet to handle.

- C7B A Resolution Accepting \$24,250 In Private Contributions For The Flagler Memorial Phase I Project; Appropriating Funding In The Total Amount Of \$71,050, As Follows; \$24,000 And \$22,800 From The Fiscal Year 2003 And 2004 Resort Tax Funds, Respectively, And \$24,250 In Private Contributions, To Fund This Phase Of The Project.
(Capital Improvement Projects)

ACTION: Resolution No. 2004-25601 adopted. Patricia Walker to accept the funds and appropriate the funds. Tim Hemstreet to handle.

- C7C A Resolution Approving The Addition Of Planning, Design, Surveying And Permitting Services In The Amount Of \$139,730.54, For The Indian Creek Greenway Pilot Project, As Amendment No. 1 To The Scope Of Services Of The Agreement, Dated May 16, 2001, With EDAW, Inc., For The Oceanfront Right Of Way Improvement Project.
(Capital Improvement Projects)

ACTION: Resolution No. 2004-25602 adopted. Tim Hemstreet to handle.

- C7D A Resolution Setting A Public Hearing Pursuant To Miami Beach City Code Section 118-262, To Review A Design Review Board Decision Requested By The Oceanside At Fisher Island Condominium Association No. 5, Inc.
(City Clerk's Office)

ACTION: Resolution No. 2004-25603 adopted. Public Hearing scheduled for July 28, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Handout or Reference Materials

1. The Letter from Jeffrey S. Bass, Esq., Shubin & Bass, to Robert Parcher, City Clerk, dated June 18, 2004, the Design Review Board Order, and a copy of the transcript will be filed in the handout folder of July 28, 2004 Commission Meeting.

11:06:27 a.m.

- C7E A Resolution Amending City Of Miami Beach Resolution No. 2004-25468 So As To Reestablish The Existence Of The City Of Miami Beach Ad Hoc Charter Review And Revision Board For An Additional Period Of Two Months, With Board Terms Commencing On August 7, 2004 And Expiring On October 7, 2004 (Subject To Earlier Sunset By The City Commission).
(City Clerk's Office)

ACTION: Item separated by Commissioner Garcia who asked for a valid reason why the extension is necessary.

Resolution No. 2004-25604 adopted as amended. Motion made by Vice-Mayor Steinberg to extend the term for two months with the understanding that discussions will be limited to the salary/good government reform issues; seconded by Commissioner Bower; Voice-vote: 6-0. Absent: Commissioner Gross. R. Parcher to handle.

Robert Parcher, City Clerk, explained that the Board Chair, Mr. Steven Zack, requested the two month extension to finalize the Board's work on good government reform issues.

11:01:33 a.m.

- C7F A Resolution Consenting To The Appointment Of Kathie Brooks As The New Director Of The Office Of Budget And Performance Improvement.
(City Manager's Office)

ACTION: Item separated for discussion by Jorge Gonzalez, City Manager, to introduce Ms. Brook to the City Commission.

Resolution No. 2004-25605 adopted. Motion made by Vice-Mayor Steinberg; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Gross.

Jorge Gonzalez, City Manager, introduced Ms. Brooks.

Commissioner Garcia recognized Jorge Gonzalez, City Manager, for bringing Ms. Brooks to the team.

Kathie Brooks spoke.

- C7G A Resolution Setting A Public Hearing On July 28, 2004, To Hear Public Comment Regarding (1) The Conveyance Of Approximately 7,726 Square Feet Of City-Owned Land Contained In Lots 18, 29 And 30 Of Block 51, Located Between Washington Avenue On The East, Biscayne Court To The North, Alton Road To The West And South Pointe Drive To The South, In Miami Beach, Florida To TRG-Alaska III, LLC, (2) The Conveyance Of Approximately 450 Square Feet Of The Eastern Tip Of The City-Owned Land Commonly Known As The Federal Triangle, Subject To Federal Government Approval, Located Adjacent To The Cook Inlet Region Property Adjacent To South Pointe Park In Miami Beach, Florida, To TRG-Alaska I, LTD., And (3) The Vacation Of Approximately 4,653 Square Feet Of The Southern Portion Of The Alley Known As Ocean Court On Block 1, Located Between Ocean Drive On The East, First Street To The North, Collins Avenue To The West And South Pointe Drive To The South, In Miami Beach, Florida, Pursuant To The Terms Of The Settlement Agreement; Further To Consider Waiver, By 5/7ths Vote, Of The Competitive Bidding And Appraisal Requirements; As Required By Section 82-39 Of The Miami Beach City Code; Finding Said Waiver To Be In The Best Interest Of The City Of Miami Beach.
(City Manager's Office)

ACTION: Resolution No. 2004-25606 adopted. Public Hearing scheduled for July 28, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Christina Cuervo to handle.

- C7H A Resolution Authorizing The Mayor And City Clerk To Execute A Lease Agreement Between The City Of Miami Beach And Omni Credit Services Of Southeast Florida, Inc. For Use Of Suite 200, Comprising Approximately 886 Square Feet Of City-Owned Property, Located At 1701 Meridian Avenue (A/K/A 777 - 17th Street) Miami Beach, Florida, For A Three Hundred Sixty-Four (364) Day Term, Retroactively Commencing On July 1, 2004, And Ending On June 29, 2005.
(Economic Development)

ACTION: Resolution No. 2004-25607 adopted. Joe Damien to handle.

- C7I A Resolution Accepting The Recommendation Of The Neighborhood/Community Affairs Committee To Approve The Placement Of A Commemorative Plaque In Collins Park Honoring Former Mayor Mel Richard, And Referring The Item To The Arts In Public Places Committee, To Determine A Suitable Location.

(Economic Development)

ACTION: Resolution No. 2004-25608 adopted. Dennis Leyva to place on the committee agenda. Christina Cuervo to handle.

- C7J A Resolution Authorizing The City Manager Or His Designee To Submit Grant Applications To The Following Funding Agencies: 1) The State Of Florida, Cultural Facilities Grant Program For Funding In An Amount Not To Exceed \$500,000 For Renovations To The Byron Carlyle Theater; 2) The State Of Florida, Cultural Facilities Grant Program For Funding In An Amount Not To Exceed \$500,000 For The Rotunda; 3) The Visitor And Convention Authority For Funding In An Amount Not To Exceed \$20,000 For The Bass Museum's Paris Moderne Exhibit; And 4) The Baseball Tomorrow Fund For Funds In An Amount Not To Exceed \$60,000 For The City's Baseball Program; Also Leveraging Previously Appropriated City Funds As Needed; Further Appropriating The Grants If Approved And Accepted By The City And Authorizing The Execution Of All Necessary Documents Related To These Applications.

(Grants Management)

ACTION: Resolution No. 2004-25609 adopted. Patricia Walker to appropriate the funds if awarded and accepted by the City. Judy Hoanshelt to handle.

- C7K A Resolution Authorizing The Mayor And City Clerk To Execute A Consortium Agreement With Miami- Dade County, Monroe County, The City Of Miami, And The City Of Hialeah For The Purpose Of Continuing To Conduct Programs Under The South Florida Employment And Training Consortium; Said Agreement Effective Retroactively, As Of July 1, 2004, And Expiring On June 30, 2006, Or When Re-Enacted By The Consortium Membership, Whichever Occurs First.

(Human Resources)

ACTION: Resolution No. 2004-25610 adopted. Mayra Buttacavoli to handle.

- C7L A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Multi-Family Housing Rehabilitation Program Matching Grant Agreement With MBCDC: 532 Michigan Avenue, LLC, A Florida Limited Liability Corporation, Established As A Wholly-Owned Affiliate Of The Miami Beach Community Development Corporation (MBCDC), In The Amount Of \$324,596 In Community Development Block Grant (CDBG) Program Funds Through The Multi-Family Housing Rehabilitation Program For The Rehabilitation Of The Aimee Apartments, Located At 532 Michigan Avenue, Miami Beach, To Provide Eighteen (18) Rental Units For Income-Eligible Tenants For A Minimum Period Of Five (5) Years.

(Neighborhood Services)

ACTION: Resolution No. 2004-25611 adopted. Vivian Guzman to handle.

- C7M A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Multi-Family Housing Rehabilitation Program Matching Grant Agreement With Claude Bardel In The Amount Of \$60,000 In Community Development Block Grant (CDBG) Program Funds Through The Multi-Family Housing Rehabilitation Program, For The Rehabilitation Of The Property Located At 1241 Normandy Drive, Miami Beach, To Provide Three (3) Rental Units For Income-Eligible Tenants For Five (5) Years.
(Neighborhood Services)

ACTION: Resolution No. 2004-25612 adopted. Vivian Guzman to handle.

Supplemental Material - Agreement

- C7N A Resolution Authorizing The Mayor And City Clerk To Execute The Attached Second Amendment To Home Investment Partnerships (HOME) Program Agreement With Miami Beach Community Development Corporation (MBCDC) Providing A Total Of \$205,632 In HOME Program Funds From Fiscal Year 2003/04, Previously Allocated To MBCDC Toward The Cost Of The Acquisition And Rehabilitation Of The Apartment Building Located At 530 Michigan Avenue, Miami Beach, To Provide Nine (9) Rental Units For Income-Eligible Elderly Tenants, In Accordance With The HOME Program Requirements.
(Neighborhood Services)

ACTION: Resolution No. 2004-25613 adopted. Vivian Guzman to handle.

- C7O A Resolution Authorizing The City Manager Or His Designee To Execute The Second Annual Renewal Of The Memorandum Of Agreement (MOA), With The Florida Department Of Transportation (FDOT) For The Turf And Landscape Maintenance Services On I-195 (Julia Tuttle Causeway) From The East Side Of The Intracoastal Bridge To Alton Road At The Annual Cost Of \$150,000 To Be Paid To The City Of Miami Beach By The FDOT, Said Renewal Shall Commence On September 1, 2004, And Concluding On August 31, 2005 With All Terms And Conditions Remaining As Stipulated In The Memorandum Of Agreement Entered Into In August Of 2000.
(Parks & Recreation)

ACTION: Resolution No. 2004-25614 adopted. Kevin Smith to handle.

- C7P A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Memorandum Of Agreement (MOA), With The Florida Department Of Transportation (FDOT) For The Turf And Landscape Maintenance Services On I-395 (MacArthur Causeway) From The East Side Of Watson Island To West Edge Of Alton Road, At The Annual Cost Of \$150,000 To Be Paid To The City Of Miami Beach By The FDOT; Said Agreement Commencing On July 1, 2004, And Concluding On June 30, 2005, With An Option To Renew For Two Years.
(Parks & Recreation)

ACTION: Resolution No. 2004-25615 adopted. Kevin Smith to handle.

C7Q Future Land Use Map (FLUM) Change

A Resolution Setting A Public Hearing To Consider An Amendment To The Future Land Use Map Of The Comprehensive Plan By Changing The Future Land Use Category For The Following Parcels, More Particularly Described In The Legal Descriptions Attached As Exhibits Hereto: 1) A Portion Of A Parcel Of Land Commonly Known As The "Federal Triangle," Approximately 4,178 Square Feet, From The Current ROS, "Recreation And Open Space," To The Future Land Use Category Of MR, "Marine Recreation"; And 2) A City-Owned Parcel 50-Foot Wide Fronting On Biscayne Bay, Of Approximately 4,600 Square Feet, On Block 8, South Beach Park Subdivision (A/K/A Hinson Parcel) From The Current CPS-3, "Commercial Intensive Mixed-Use," To The Future Land Use Category ROS, "Recreation And Open Space"; Providing For Inclusion In The Comprehensive Plan, Transmittal, Repealer, Severability And An Effective Date.

(Planning Department)

ACTION: Resolution No. 2004-25616 adopted. Public Hearing scheduled for July 28, 2004. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

City Clerk's note: 30-day mailer only. Mailed Friday, June 25.

Handout or Reference Materials

1. Copy of the three (3) Notices to the Public, mailed on Friday, June 25, 2004
2. Copy of the labels (1,087) provided by Florida Real Estate Decision, Inc. used to mail the notices, with cover letter from Maureen E. Hudson to City of Miami Beach Planning, Design and Historic Preservation Board, copy to Catherine Colonnese, dated May 10, 2004.

C7R Official Zoning District Map Change

A Resolution Setting A Public Hearing To Consider Amending The Official Zoning District Map, Referenced In Section 142-72 Of The Code Of The City Of Miami Beach, Florida, By Changing The Zoning District Classification For The Following Parcels, More Particularly Described In The Legal Descriptions Attached As Exhibits Hereto: 1) A Portion Of A Parcel Of Land Commonly Known As The "Federal Triangle," Approximately 4,178 Square Feet, From The Current GU, "Government Use," To The Proposed Zoning Classification MR, "Marine Recreation;" And 2) A Portion Of Lot 18 And The 10 Foot Strip Of Land Adjacent Thereto, And A Portion Of Lots 29 And 30 And The 10 Foot Strip Of Land Adjacent Thereto, Block 51 Of The Plat Of Ocean Beach Florida Addition No. 3, From GU, "Government Use," To The Proposed Zoning Classification CPS-1, "Commercial Limited Mixed-Use."

(Planning Department)

ACTION: Resolution No. 2004-25617 adopted. Public Hearing scheduled for July 28, 2004. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

City Clerk's note: 30-day mailer only. Mailed Friday, June 25.

Handout or Reference Materials

1. See C7Q for a list of Handout or Reference Materials

C7S Comprehensive Plan Text Amendments

A Resolution Setting Public Hearings To Consider A Compliance Agreement Pursuant To Section 163.3184, Florida Statutes, And Amending Ordinance No. 2002-3370, Which Clarified The Text Of The City Of Miami Beach Comprehensive Plan Concerning The "MR-Marine Recreation" Land Use Designation, By Amending Permitted Uses And Adding Prohibited Uses, And Clarifying The Relationship Of Required Parking To Floor Area Within Such District.

(Planning Department)

ACTION: Resolution No. 2004-25618 adopted. Public Hearing scheduled for July 28, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Handout or Reference Materials

1. See C7Q for a list of Handout or Reference Materials

C7T Portofino DRI - Notice Of Proposed Change

A Resolution Setting A Public Hearing To Consider A Request By TRG-Alaska I LTD., And TRG-Alaska III, LLC., To Amend The Portofino Development Of Regional Impact (DRI) Development Order, As Adopted By City Of Miami Beach Ordinance No. 98-3121, By 1) Filling And Bulkheading The Existing Boat Basin On The Alaska Parcel And 2) Adding Approximately 7,200 Square Feet Of Lands To The DRI.

(Planning Department)

ACTION: Resolution No. 2004-25619 adopted. Public Hearing scheduled for July 28, 2004. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

City Clerk's note: 30-day mailer only. Mailed Friday, June 25.

Handout or Reference Materials

1. See C7Q for a list of Handout or Reference Materials

C7U A Resolution Terminating South Dade Electrical's Existing Contract With The City And All Standing Order Thereto; And Further Disqualifying South Dade Electrical From Serving As A Vendor With The City Until November 19, 2004, Pursuant To Section 2-487 A(3) Of The Miami Beach City Code.

(Procurement)

ACTION: Resolution No. 2004-25620 adopted. Gus Lopez to handle.

C7V A Resolution Approving And Authorizing The Mayor And City Clerk To Execute A Memorandum Of Agreement Between Miami-Dade County And The City Of Miami Beach, Wherein The County Agrees To Reimburse The City For The Design, Permitting, Procurement And Installation Of Standard Mast-Arm Signalization Systems At The Intersections Of Washington Avenue With 11th, 12th, 13th And 14th Streets, In An Amount Not To Exceed \$354,011; These Mast Arm Signals Being An Addition To The City's \$13 Million Washington Avenue Corridor Improvements Project; And Further Authorizing The Advancement Of \$354,011 In City Funds For Subsequent Reimbursement From Miami-Dade County.

(Public Works)

ACTION: Item withdrawn.

11:16:41 a.m.

C7W A Resolution Setting A Public Hearing On July 28, 2004 To Consider Public Comment, As Required By Section 82-37 Of The City Code (Ordinance No. 92-2783), Regarding The Vacation Of A Portion (The Southern Half) Of The West 59th Street Street-End, West Of North Bay Road, In Favor Of Roger J. Schindler And Leslie Schindler, Owners Of The Adjacent Property Located At 5860 North Bay Road.

(Public Works)

ACTION: Item separated for public discussion by Vice-Mayor Steinberg.

Resolution No. 2004-25621 adopted as amended. Motion made by Commissioner Bower; seconded by Commissioner Cruz, to set the public hearing for September 8, 2004; Voice vote: 6-0; Absent: Commissioner Gross. R. Parcher to notice (15-day notice plus mailer. Applicant provides labels). Lilia Cardillo to place on the Commission Agenda. Fred Beckmann to handle.

Elizabeth Donnelly requested to be allowed to process her application at the same time as Mr. Schindler.

Fred Beckmann, Public Works Director, recommended changing the public hearing date from July 28 to September 8 to allow for Ms. Donnelly's application to be completed.

C7X A Resolution Setting A Public Hearing To Consider Public Comment, As Required By Section 82-37 Of The City Code (Ordinance No. 92-2783), Regarding The Vacation Of A Portion (The Northern Half) Of The West 59th Street Street-End, West Of North Bay Road, In Favor Of William Thomas Harris III And Richard Koenigsberg, As Trustees (The "Tom Harris Trust"), Owner Of The Adjacent Property Located At 5900 North Bay Road.

(Public Works)

ACTION: Resolution No. 2004-25622 adopted as amended. See action on C7W. R. Parcher to notice (15-day notice plus mailer. Applicant provides labels). Lilia Cardillo to place on the Commission Agenda. Fred Beckmann to handle.

Addendum

C7Y A Resolution Amending Resolution No. 2002-24768 By Providing A Revision Of The Conditions Attached To A Lien Settlement Agreement For Property Located At 2925 Indian Creek Drive And Further Authorize The Mayor And City Clerk To Execute Any And All Documents Necessary To Effectuate The Amendment.

(City Manager's Office)

ACTION: Resolution No. 2004-25623 adopted. Robert Middaugh and R. Parcher to handle.

End of Consent Agenda

REGULAR AGENDA**R5 - Ordinances****11:23:36 a.m.**

Supplemental Material -Notice of Public Hearing)

R5A An Ordinance Amending Chapter 62 Of The Miami Beach City Code Entitled "Human Relations"; By Amending Article II Thereof Entitled "Discrimination" By Amending Section 62-31 Entitled "Definitions" By Adding A Definition For "Gender" To Be Utilized In Article II; By Amending Section 62-32 Entitled "Purpose; Declaration Of Policy"; By Amending Section 62-88.1 Entitled "Discrimination In Public Services"; Providing For Repealer, Severability, Codification, And An Effective Date. **10:15 a.m**
Second Reading, Public Hearing.

(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Public Hearing held. **Ordinance Number 2004-3450 adopted.** Motion made by Commissioner Garcia; seconded by Vice-Mayor Steinberg; Ballot vote: 6-0; Absent: Commissioner Gross. R. Parcher to transmit to Municipal Code Corp. Mayra Buttacavoli to handle.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

11:25:08 a.m.

R5B An Ordinance Amending Chapter 62 Of The Miami Beach City Code, Entitled "Human Relations," By Adding An Article IV Thereof Entitled "Registered Domestic Partnerships" Which Provides For Registered Domestic Partnerships And Sets Forth The Rights And Legal Effects Of Such Partnerships; Providing For Repealer, Severability, Codification, And An Effective Date.
First Reading

(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Ordinance approved on First Reading as amended. Motion made by Commissioner Garcia; seconded by Commissioner Bower. Amendment accepted by the maker of the motion; Ballot vote: 6-0; Absent: Commissioner Gross. Second Reading and Public Hearing scheduled for July 28, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Legal Department to handle.

Amendment: If an aggrieved partner goes to court and prevails, the aggrieved partner to receive reasonable attorney fees.

Discussion held.

Commissioner Garcia recognized Ms. Heddy Peña, who was instrumental in bringing this issue to his attention.

Heddy Peña, Executive Director of SAVE Dade, introduced Karen Doering, Staff Attorney, NCLR (National Center of Lesbian Rights), Stratton Pollitzer, Equality Florida's South Florida Director, and Rajee Narinesingh a local Transgender Rights Educator and Activist. She thanked the Commission for their support.

Commissioner Smith asked how this ordinance would be enforced, for example, if a hospital refuses to abide by the request of a registered domestic partner.

Sheri Sack, the City's specialist on Constitutional issues, stated that she has been working with Donald Papy, Chief Deputy City Attorney, who has been the chief attorney working on this item, and

to the extent that there are Federal and State laws governing what the health organizations attempt to do or not do, then the City's ordinance would not control.

Commissioner Smith stated that assuming there is no conflict with State or Federal Laws and a registered domestic partner wants to make a health care decision at, for example, Mount Sinai for a partner, and the institution will not honor the request. What options are available? The ordinance needs language which can be enforced.

Sheri Sack stated that because this is forward thinking legislation, the thing to do is to request a court to enforce the laws of Miami Beach.

Commissioner Smith requested adding language to the ordinance before second reading to add civil or criminal sanctions and award attorney fees to someone who is aggrieved.

Karen Doering, Staff Attorney for NCLR, explained that as the language is currently drafted, there is no specific enforcement mechanism. Adding specific language would help clarify the issue.

Commissioner Garcia welcomed and endorsed Commissioner Smith's motion to add civil or criminal sanctions and award attorney fees to someone who is aggrieved.

6:52:18 p.m.

R5C Amendments To Text Of Land Development Regulations (LDR's)

An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 142, "Zoning Districts And Regulations," Article II, "District Regulations," Division 12, "MR-Marine Recreation District," Clarifying Purpose, Providing For Additional Main Permitted Uses And Prohibiting Certain Uses, And Excluding From Floor Area Required Parking For Adjacent Properties; And Division 18, "PS Performance Standard District," Modifying Height, Number Of Stories, Setbacks, Floor Area Ratios And Allowing Required Parking In The CPS-1 And CPS-3 Zoning Districts For Defined Properties, Clarifying How Such Required Or Public Parking Relates To Floor Area And Is Allowed, And Floor Area Is Distributed, Through Covenants In Lieu Of Unity Of Title; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.**

(Planning Department)

ACTION: Item heard in conjunction with R7A. Ordinance approved on First Reading as amended. Motion made by Commissioner Bower; seconded by Commissioner Cruz; Ballot vote: 5-0: Absent: Commissioners Garcia and Gross. Second Reading and Public Hearing scheduled for July 28, 2004. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Jorge Gomez to handle.

Amendment:

1. Section 142-512 – ".....aquarium; restaurants; and commercial uses: ~~residential~~; parks;".
2. Section 142-698 – (Chart) C-PS1 --- ~~75 feet~~ as provided in CPS-1. **Amendment:** 75 feet as provided in CPS-1.
3. Section 142-698 – (Chart) C-PS2 --- ~~75 feet~~ as provided in CPS-2. **Amendment:** 75 feet as provided in CPS-2.

Jorge Gomez, Planning Director, read changes into the record.

Kent Harrison Robbins, Esq. for the record, objected to the ordinance language regarding Pedestal and Tower setback.

Jorge Gonzalez, City Manager, stated that the next meeting in the corroborative process is July 12, at 4 p.m., in the First Floor Conference Room.

Handout or Reference Materials

1. Legal Descriptions of the Properties (seven pages), from Gary Held, dated 7/6/04.
2. Copy of a petition submitted by Minette Benson, (Natural scenic beauty and its open waters, etc.)

R7 - Resolutions**6:52:18 p.m.**

R7A A Resolution Approving A Settlement Agreement By And Among East Coastline Development, Ltd., Westside Partners, Ltd., And Other Entities Collectively Known As The "Portofino Entities," And Certain Successors In Interest That Are Part Of The Related Group Of Florida, Known As The "Related Entities," And The City Of Miami Beach And The Miami Beach Redevelopment Agency, Concerning Litigation Over Certain Parcels In The South Pointe Area Of Miami Beach Known As The Alaska Parcel, Goodman Terrace, The Hinson Parcel, Blocks 51, 52 And Block 1, And Including A Portion Of The Federal Triangle, And Authorizing The Mayor And City Clerk To Execute Such Agreement, And The Taking Of Necessary And Appropriate Steps For The Implementation Thereof.
(City Manager's Office)

ACTION: Item heard in conjunction with R5C. The City Commission gave the Administration direction. See actions below.

Josh Fisher, speaking as a representative of the residents, gave an overview of the Concept Plan.

Ruth Remington spoke regarding the park.

5:44:14 p.m.

Charles Seiger, The Sieger Suarez Architectural Partnership, gave an overview of the different design scenarios.

Tom Daly, The Related Group (Developer), spoke regarding the options.

Kent Harrison Robbins, Esq. representing Max Ramos who owns property along Commerce Street and speaking on item R5C (page 333 – Commission Agenda) expressed his concern about the C-PS zoning and height limits.

Frank Del Vecchio spoke.

Minette Benson spoke.

Erika Brigham spoke.

Matt Gorson, Esq., Greenberg Traurig, et al., spoke.

Mark Needle spoke.

Dr. Morris Sunshine spoke.

Linda Ockin spoke.

Clotilde Luce spoke.

Referencing the document titled "Portofino/Related Settlement – Issues for Commission 7/7/04:

Issue # 1: Jorge Gonzalez, City Manager, stated that the City Commission has already agreed to this issue.

Issue #2:

Motion made by Commissioner Smith to approve Option 2; seconded by Commissioner Bower; Voice vote: 5-0; Absent: Commissioners Garcia and Gross.

Discussion held.

Vice-Mayor Steinberg stated that he believes there needs to be some commercial to activate the park. He stated that information, which has been previously stated, is now being stated that the City never intended to have commercial in the park. This is a mischaracterization. He doesn't want what the City Commission does today come back later and have anyone misunderstand that the Commission chose park open-space over commercial and; therefore, why is the City Commission now considering adding commercial to activate the park. He believes that commercial, to activate the park is a good thing and will help the park perform as a quality park and attract people. He doesn't want the vote today to be misconstrued to prevent commercial in the park. He stated that he would rather the developer give up control of the commercial and give the City the option.

Jorge Gonzalez, City Manager, stated that the City has 12 months to determine what, if anything, will be exercised with the 28,000 square feet of FAR that the City has and within 12 months the developer will build it at their cost and our expense. Beyond 12 months the City can still build but the developer won't do the building.

Vice-Mayor Steinberg requested the Administration place a status item and timeline on every Commission Agenda. Christina Cuervo to handle.

Jorge Gonzalez, City Manager, stated that between now and when the Settlement Agreement is placed on the Commission Agenda he will ask the developer to extend the 12 month period if for some reason the project gets delayed.

Issue #3:

Between now and the next Commission Meeting the Administration will work with the developer to work out the issues.

Jorge Gonzalez, City Manager, clarified the issues:

3A We definitely want; which is to try to push the massing away from Ocean Drive and closer to South Pointe and Collins.

3B Transfer densities, or some of the density, from the building on Ocean Drive to the greater aggregation.

Motion made by Commissioner Bower to look at the massing on Block 1.

Jorge Gonzalez, City Manager stated that on July 28, 2004, the City Commission will need to decide on the massing and the issue of commercial or residential.

Issue #4:

Motion made by Commissioner Cruz to approve item #4 to eliminate the courtyard; seconded by Commissioner Smith; Voice vote: 5-0; Absent: Commissioners Garcia and Gross.

Issue #5:

Motion made by Commissioner Smith; residential or commercial is at the discretion of the City Commission not the developer; seconded by Commissioner Bower; Voice vote: 5-0; Absent: Commissioners Garcia and Gross.

Item #6:

Jorge Gonzalez, City Manager, stated that this item is to inform the Commission and is really not an issue. On July 28 the Administration will also be requesting to issue the RFP to get an architect/engineer to begin the CDW process for the entire park including the new land, and part of Alaska parcel.

Handout or reference material

1. Document titled Alaska, Block 1, 51, and 52, prepared by The Sieger Suarez Architectural Partnership
2. One page document titled Portofino/Related Settlement – Issues for Commission 7/7/04
3. Copy of a petition submitted by Minette Benson, (Natural scenic beauty and its open waters, etc.)

12:44:37 p.m.

Supplemental Material – Commission Memorandum and Resolution

R7B A Resolution Following A Duly Noticed Public Hearing To Hear Public Comment On Same, Approving And Authorizing The Vacation Of A Portion (The Northern Half) Of The West 29th Street Street-End, West Of Prairie Avenue, In Favor Of Massimo And Jiska Barraca, Owners Of The Adjacent Property, Located At 2900 Prairie Avenue; Waiving, By 5/7ths Vote, The Competitive Bidding And Appraisal Requirements, Pursuant To Article II, Section 82-36 Through 82-40 Of The Miami Beach City Code, Finding Such Waiver To Be In The Best Interest Of The City; Provided Further That Approval Of The Aforestated Vacation Is Subject To And Contingent Upon The Owners' Execution And Recordation Of The Declaration Of Restrictive Covenants (Covenant) Attached As Exhibit "A" To This Resolution; And Authorizing The Mayor And City Clerk To Execute Any And All Documents To Effectuate The Vacation, Including A Quitclaim Deed, Subject To Final Review Of Same By The City Attorney's Office. **11:00 a.m. Public Hearing.**

(Public Works)

(Continued from April 14, 2004)

(Memorandum & Resolution to be Submitted in Supplemental)

ACTION: Public Hearing held. By acclamation of the City Commission the Application for property vacation is withdrawn, the Resolution not approved, a public hearing is scheduled for September 8, 2004, to consider approving a revocable permit, and referring to the Finance and Citywide Projects Committee the guidelines for property vacation.

Robert Middaugh, Assistant City Manager, introduced the item.

Raul Aguila, Assistant City Attorney, also gave an overview of the item. In his overview he referenced a 1907 case. Mayor Dermer requested a copy of the case. **Raul Aguila to handle.**

Commissioner Bower stated that there are more applicants requesting vacations and she is concerned there is no criteria to make sure the vacations are done in a fair manner.

Raul Aguila, Assistant City Attorney, stated that perhaps the City Commission should direct the Administration and Legal to prepare an ordinance which would codify a set of criteria similar to the revocable permits.

Mayor Dermer stated that the ordinance needs to be broadly written to define "public purpose" to protect City property.

Jorge Gonzalez, City Manager, stated that in all these cases, the property is an asset the City owns. Whether the City needs the property today or 20 years from now it is hard to predict. The burden should be on why the City "should" give the land away.

Commissioner Smith asked to consider a revocable permit rather than a property vacation.

Commissioner Bower stated that before another property vacation is presented to the City Commission the guidelines need to be established, and refer the item to the Finance and Citywide Projects Committee. **Patricia Walker to place on the Agenda. Fred Beckmann to handle.**

Michael Larkin, Esq., spoke on behalf of the applicant regarding revocable permit versus a vacation.

Motion made by Commissioner Cruz to approve the vacation request; seconded by Commissioner Garcia. (No vote taken). Discussion continued.

Vice-Mayor Steinberg stated that unless he sees a compelling public interest to do this, he does not see why this needs to be done.

Mark Quinlivan, MAI, Real Estate Appraiser, spoke regarding property value.

Discussion continued.

Commissioner Smith asked if the decision before the Commission is in the best interest of the City. He believes the revocable permit needs to be explored.

Michael Larkin, Esq., asked if it would be possible to travel under the existing standard for a revocable permit.

Jorge Gonzalez, City Manager, stated that this is a reasonable request and also stated that a public hearing for the revocable permit can be set.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Booklet containing color photos of the property, the proposed covenant, letter from Rabbi Milton Simon and Mrs. Sorel Simon, dated July 6, 2004, to The Honorable David Dermer, and a Barrack Boundary survey map.

1:57:32 p.m.

R7C A Resolution Extending The Valet Parking Services Agreement With Gold Star Parking Systems, Dated September 15, 1999, For Providing Valet Parking Services At The Miami Beach Convention Center, Jackie Gleason Theater Of The Performing Arts, And Other City Property, As May Be Required, On A Month-To-Month Basis, Terminable At The Discretion Of The City Manager, Until Such Time That The Request For Proposals Process For Valet Parking Services Has Resulted In The Selection Of A Firm, And A Contract Has Been Awarded.
(Parking Department)

ACTION: Resolution No. 2004-25625 adopted. Motion made by Commissioner Cruz; seconded by Commissioner Bower; Voice vote: 6-0; Absent: Commissioner Gross. Saul Frances to handle.

Saul Frances, Parking Department Director, introduced the item.

1:58:31 p.m.

R7D A Resolution Extending The Hourly Rate Contract With APCOA/Standard-VIP's Parking Systems, Dated August 4, 1999, For Providing Hourly Rate Cashiers/Attendants, And Supervisors To The City's Parking Department, On A Month-To-Month Basis, Terminable At The Discretion Of The City Manager, Until Such Time That The Competitive Bidding Process For Hourly Rate Cashiers, Attendants, And Supervisors Has Resulted In The Selection Of A Firm, And A Contract Has Been Awarded.

(Parking Department)

ACTION: Resolution No. 2004-25626 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 6-0; Absent: Commissioner Gross. Saul Frances to handle.

Saul Frances, Parking Department Director, introduced the item.

Kent Harrison Robbins, Esq, spoke regarding the improper conduct and possible violations of the election campaign/vendor ordinance.

Jean Olin, Deputy City Attorney, explained the Legal Department's position.

Kent Harrison Robbins, Esq. stated that a protest bid was filed on March 12, 2004 and it has taken four months to disclose this information. This information should had been provided immediately after the protest was filed.

Handout and Reference Materials:

1. Letter submitted by Kent Harrison Robbins, Esq., to Murray Dubbin, City Attorney, Jorge Gonzalez, City Manager, and Gus Lopez, Procurement Director, dated June 25, 2004, RE: Request to Disqualify Current Vendor and Supplemental Information to Bid Protest Mimi Beach RFP 18-03/04 Providing Parking Cashiers, Attendants and Supervisors for the City of Miami Beach Parking Department.
2. Affidavit of Private Investigator Elena Dyer dated June 24, 2004, submitted by Kent Harrison Robbins, Esq.

2:29:24 p.m.

Supplemental Material - Resolution

R7E A Resolution Approving Amendment No. 13A To The Agreement With Camp, Dresser And McKee (CDM) And Appropriating Corresponding Funding, In The Amount Of \$398,736 From Series 1995 Water And Sewer Bond Interest, To Provide Engineering Services For Upgrading Water And Sewer Pumping Stations; Said Amendment Providing For Construction Administration And Field Oversight Services (Tasks 2.0 And 3.0) For The Water And Waste Water Pump Stations Upgrade Project, In An Amount Not To Exceed \$424,640.

(Capital Improvement Projects)

ACTION: Heard in conjunction with RDA 3B. Resolution No. 2004-25627 adopted. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 5-0; Absent: Commissioners Cruz and Gross. Patricia Walker to appropriate the funds. Tim Hemstreet to handle.

2:32:09 p.m.

R7F A Resolution Authorizing The Mayor And City Clerk To Execute An Interlocal Agreement By And Between The City Of Miami Beach, And The City Of Miami, Both Of Which Are Florida Municipal Corporations, For The Purpose Of Conducting A Traffic Impact Study Of MacArthur Causeway To Evaluate And Address Traffic Impacts That May Arise From The Proposed Flagstone Island Gardens Project On Watson Island, And Further Authorizing The Administration To Submit A Grant Application To The Metropolitan Planning Organization To Fund The Study.
(City Manager's Office)

ACTION: Resolution No. 2004-25628 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 5-0; Absent: Commissioners Cruz and Gross. Christina Cuervo to handle.

Mayor Dermer commended Commissioner Bower, Kevin Crowder, Christina Cuervo, Assistant City Manager, and Fred Beckmann, Public Works Director for their involvement. He also thanked City of Miami Commission Chairman Art Teele for deferring the issue at the City of Miami Commission to workout this Interlocal Agreement for a traffic study.

Jorge Gonzalez, City Manager, explained that under the Interlocal Agreement, there will be a jointly traffic study done, and as part of this action, a grant application will be submitted to the MPO to fund the study.

2:36:50 p.m.

R7G A Resolution Authorizing The Appropriation Of \$1,380,000 From The Miami Beach Share Of The County's Fiscal Year 2003-04 Peoples' Transportation Program (PTP) Funds, For The Following Local Transportation Projects: 1) \$80,000 For Preparation Of Basis Of Design Report (BODR) For An East-West Connector Bicycle/ Pedestrian Facility Project In North Beach; 2) \$120,000 For Preparation Of BODR For A Dade Boulevard And Middle Beach Bicycle / Pedestrian Facility Project; 3) \$350,000 For Right-Of-Way Improvements On Ocean Drive; 4) \$400,000 For Right-Of-Way Improvements On Espanola Way; 5) \$400,000 For Right-Of-Way Improvements On 17th Street; 6) \$30,000 For Technical Assistance With Various Traffic And Transportation Issues; And Further Authorizing The Issuance Of Requests For Qualifications (RFQ) For Nos. 1 And 2 Above, And The Issuance Of Work Orders For Nos. 3 To 6 Above; And Advancing Undesignated General Funds, If Needed, To Be Reimbursed By The Aforestated Fiscal Year 2003-04 PTP Funds, As They Are Received By The City, On A Monthly Basis.
(Public Works)

ACTION: Resolution No. 2004-25629 adopted. Resolution approved by two (2) votes.

Motion made by Vice-Mayor Steinberg to approve items 1, 2, and 6 of the new appropriations of FY 2003-04 Peoples' Transportation Program (PTP); seconded by Commissioner Bower; Voice vote: 5-0; Absent: Commissioners Cruz and Gross.

Motion made by Commissioner Bower to approve items 3, 4, and 5 of the new appropriations of FY 2003-04 Peoples' Transportation Program (PTP); seconded by Commissioner Smith; Voice vote: 3-1; Opposed: Vice-Mayor Steinberg; Absent: Commissioners Cruz, Garcia, and Gross. **Patricia Walker to appropriate the funds. Fred Beckmann to handle.**

Fred Beckmann, Public Works Director, introduced the item.

Vice-Mayor Steinberg stated that he does not agree with using this source of funding for maintenance purposes, and made a motion to adopt enhancement projects 1, 2 and 6, and leave out 3, 4 and 5, which are for resurfacing roads and are public works projects; no second offered.

Mayor Dermer recommended voting on items 1, 2, and 6 and separately on 3, 4, and 5.

Motion made by Vice-Mayor Steinberg to approve items 1, 2 and 6, seconded by Commissioner Bower; Voice vote: 5-0; Absent: Commissioners Cruz and Gross.

Discussion held on items 3, 4 and 5.

Commissioner Bower asked if any additional work will be done on Española Way.

Fred Beckmann, Public Works Director, stated that the project will be more than 17th Street; it will have a complete redesign of the sidewalks, new landscaping and new street lights.

Commissioner Bower stated that the Streets in the South Beach area are very bumpy.

Motion made by Commissioner Bower to approve items 3, 4, and 5; seconded by Commissioner Smith; Voice vote: 3-1; Opposed: Vice-Mayor Steinberg; Absent: Commissioners Cruz, Garcia, and Vice-Mayor Gross.

R9 - New Business and Commission Requests

R9A Board and Committee Appointments.
(City Clerk's Office)

ACTION:

Public Safety Advisory Committee:

Baruch Jacobs Term expires 12/31/04 Appointed by Commissioner Garcia TL12/11

Youth Center Advisory Board:

Jeff Gordon Term expires 12/31/05 Appointed by Commissioner Cruz TL 12/11

1:57:12 p.m.

R9A1 Nominate Mr. Sidney Goldin To The Health Facilities Authority.
(Requested by Commissioner Luis R. Garcia, Jr.)

ACTION: Motion made by Commissioner Garcia to nominate Sidney Goldin to the Health Facilities Authority; General Business, seconded by Vice-Mayor Steinberg; Voice vote 6-0; Absent: Commissioner Gross. R. Parcher to handle.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.).

ACTION: No speakers.

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: Not reached.

11:22:50 p.m.

R9C Discussion Regarding The Following Sister Cities Resolutions:

1. A Resolution Extending An Invitation To The City Of Fortaleza, Brazil, To Become A Sister City Of Miami Beach, Florida, Designating Mayor David Dermer As The City's Representative And Transmitting This Resolution To The Officials Of Fortaleza, Brazil.

ACTION: Discussion held. **Resolution No. 2004-25630 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Gross. R. Parcher to add to Board and Committee report and transmit to Mr. Bruce Singer.

2. A Resolution Relating To Ramat Gan, Israel, Established As A Sister City On July 21, 1971 By Resolution No. 13322; Determining That The Purposes Of Said Resolution No Longer Exist; Terminating Said Relationship And Repealing Resolution No. 13322.

(Requested by Mayor David Dermer)

(Deferred from June 9, 2004)

ACTION: Discussion held. **Resolution No. 2004-25631 adopted.** Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 6-0; Absent: Commissioner Gross. R. Parcher to add to Board and Committee Report and transmit to Mr. Bruce Singer.

11:35:37 p.m.

Supplemental Material – Notice of Public Hearing

R9D Appeal Of DRB File No. 17373

Review Of A Design Review Board Decision Approving A Request By Marlborough House Condominium For The Replacement Of Concrete Balcony Rails At 5775 Collins Avenue. **10:20 a.m. Public Hearing**

(City Clerk's Office)

ACTION: Public Hearing held. Motion made by Vice-Mayor Steinberg to:

1. deny the appeal;
 2. have staff confirm that the Order did not determine the rights of the unit owners; and
 3. if unit owners who have already installed a balcony are grandfathered, than the Condo Association must return to the DRB to determine the appropriate design for the balcony;
- seconded by Commissioner Smith; Voice vote: 4-2; Opposed: Commissioners Bower and Garcia; Absent: Commissioner Gross. **Jorge Gomez to handle.**

Gary Held gave an overview.

Mr. W. Tucker Gibbs, representing Mercedes Rodriguez and Silva Casas, spoke.

Vice-Mayor Steinberg stated that the DRB Order needs to accurately reflect the actions taken as reflected in the transcripts.

Rosa De La Camera, Attorney representing Marlborough House Condominium Association, spoke.

Jerry Guarch, President, Diversified Construction & Restoration, (the condominium Contractor), spoke.

Phillip Azan, Building Director, spoke.

Julio Robaina, State Representative, spoke.

Carmen Millares, owner of apartment 501, spoke.

Gus Barreiro, State Representative, spoke.

Stanley Swaysland, P.E., President, Swaysland Professional Engineering Consultants, Inc., (consulting engineer for the Association) spoke.

Ms. Elba Morales, owner of apartments 1202 and 1203, spoke.

Herminio Irizarry spoke.

Jorge Quiros spoke.

Rhonda Montoya, Assistant City Attorney, spoke.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald
2. Copy of LTC 154-2004 dated June 24, 2004 to Mayor David Dermer and City Commission from Jorge Gonzalez, City Manager, and a copy of the Transcript of the Design Review Board (DRB), April 20, 2004
3. Design Review Board File No. 17373, Corrected Order, dated January 20, 2004
4. Color photo of the Marlborough House Condominium

2:47:33 p.m.

R9E Request By The Law Firm Of Boies, Schiller & Flexner LLP For A Waiver Of Conflict Of Interest By The Law Firm In Representing Star Island Entertainment, Inc. (Mansion Nightclub, 1235 Washington Avenue) In Matters Before The Special Master And Administratively Only.
(City Attorney's Office)

ACTION: Discussion held. Motion made by Vice-Mayor Steinberg to deny waiver; seconded by Commissioner Bower; Voice-vote: 4-0; Absent: Commissioners Cruz, Garcia and Gross.

5:26:33 p.m.

R9F Discussion Regarding Mitigation Of Traffic For The 63rd Street Flyover Removal.
(Requested by Vice-Mayor Richard L. Steinberg)

ACTION: Discussion held.

Vice-Mayor Steinberg introduced the item.

Motion made by Vice-Mayor Steinberg to direct Commissioner Smith, the City's representative to the Metropolitan Planning Organization (MPO) to ask the MPO to withdraw it funding from the 63rd Street project and to go with the alternate solution, which is to relocate the left turning movement from 63rd Street on the west bound at the south side in a protected left and; therefore, eliminate one of the phases of lights which will accomplish the same traffic flow, preserve the flyover, and prevent an 18-month construction project; seconded by Commissioner Smith; Voice vote: 4-0; Absent: Commissioners Cruz, Garcia, and Gross.

Handout or Reference Materials

1. Copy of LTC 166-2004 dated July 6, 2004 to Mayor David Dermer and City Commission from Jorge

Gonzalez, City Manager, RE: Maintenance Of Traffic Plan For 63rd Street Flyover Removal, Bridge Rehabilitations And Improvements To Indian Creek Drive Project And Timeline with FDOT's MOT attached.

2:48:26 p.m.

R9G Discussion Concerning Preservation Of Historic Homes In Altos Del Mar Park.
(Capital Improvement Projects)

ACTION: Discussion held. Motion made by Commissioner Bower to proceed to the Historic Preservation Board to seek a Certificate of Appropriateness for demolition for both houses; seconded by Commissioner Smith; Voice-vote: 4-0; Absent: Commissioners Cruz, Garcia, and Gross. Tim Hemstreet to handle.

Jorge Gonzalez, City Manager, introduced the item.

Mike Thompson read a statement into the record and made a presentation of his proposal.

Handout or Reference Material

1. Booklet titled The Miami Beach Outdoor Historic Park & Commemorative Museum, submitted by Mike Thompson.

3:00:02 p.m.

R9H Discussion Regarding The Formation Of A North Beach Youth Center Advisory Board.
(Requested by Commissioner Jose Smith)

ACTION: Discussion held. Item referred to the Neighborhood/Community Affairs Committee without objection. Absent: Commissioners Cruz, Garcia, and Gross. **Vivian Guzman to place on the agenda. Kevin Smith to handle.**

Commissioner Smith stated that with the completion of the Youth Center and the park it is an appropriate time to discuss the formation of a Youth Center Advisory Board, much like the Scott Rakow Youth Center.

Mayor Dermer stated that there is always a concern regarding administratively staffing the board. He asked if it would be easier to have one board with seats designated for each facility.

Commissioner Bower believes there should be separate boards. She suggested that the issue be referred to the Neighborhood/Community Affairs Committee and the Administration present what it has done and its recommendation. She stated that if the Scott Rakow Youth Center board remains, then there must be a board for the North Beach Youth Center. The issue should be reviewed holistically.

Joe Fontana spoke in favor of continuing the Ad Hoc Committee for two years serving as an Advisory Board.

Reports and Informational Items

A City Attorney's Status Report.
(City Attorney's Office)

ACTION: Written report submitted.

B Parking Status Report.

(Parking Department)

ACTION: Written report submitted.

C Status Report On The Rehabilitation Project Of The Existing Building And The Addition To Fire Station No. 2.

(Capital Improvement Projects)

ACTION: Written report submitted.

D Status Report On The Rehabilitation Project Of Fire Station No. 4.

(Capital Improvement Projects)

ACTION: Written report submitted.

E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.

(Procurement)

ACTION: Written report submitted.

F Non-City Entities Represented By City Commission:

1. Minutes From The Performing Arts Center Trust Board Meeting Of May 18, 2004 And Agenda For the June 14, 2004 Meeting.)

(Requested by Commissioner Matti Herrera Bower)

ACTION: Written report submitted.

10:16:30 a.m.

G Presentation And Report On The 2004 State Legislative Session By The City's State Lobbyists, Gary Rutledge, Fausto Gomez And Bob Levy.

(Economic Development)

ACTION: Written report submitted.

Mayor Dermer introduced State Representatives Gus Barreiro, Dan Gelber, and thanked State Lobbyists for their outstanding work. He also recognized Julio Robaina, Marisa Bluestone, Legislative Assistant to Senator Gwen Margolis, and City's State Lobbyists Gary Ruthledge and Bob Levy in the audience.

Gary Ruthledge, City's State Lobbyist, thanked Jorge Gonzalez, City Manager, Commissioners Garcia and Vice-Mayor Steinberg for their support in Tallahassee, and stated that Miami Beach has a good legislative delegation that works well together.

Commissioner Garcia stated that State Representative Julio Robaina has been instrumental in supporting the legislation regarding regulation of condominium associations.

Mayor Dermer stated that Julio Robaina is an outstanding legislator and was an excellent Mayor of

South Miami, which became an "All America City," and gave the City of Miami Beach great advice in winning this very prestigious civic award. He stated that it is very nice to have these individuals up in Tallahassee, specially when issues such as the Burt Harris Act, issues related to windstorm insurance, and when issues regarding excessive development along the coast keep surfacing; and it is important to influence people across the entire state to protect our beaches. He stated that he appreciates their interest and thanked them for standing up for the City of Miami Beach.

Meeting interrupted to resolve audio problems and resumed at 10:30:45 a.m.

10:31:29 a.m.

Gary Ruthledge, City's State Lobbyist, briefly updated the City Commission on the items in Tallahassee:

1. The Burt Harris Act - there was no change, and now it is up to the City Attorney to continue the effort.
2. The inability to pass the Convention Center Development Taxes
3. Article V and the implementation of the fee for filing, which was reduced fro \$25 to \$10
4. No legislation with regards to community redevelopment, outdoor advertising, public notices, and cell phones citing.
5. He stated that there was an increase in the bonding capacity with regards to windstorm insurance;
6. And the issue of the Condominium Association legislation was briefly discussed;
7. The retainer legislation was defeated.

Vice-Mayor Steinberg commended the State Lobbyists on the retainer legislation being defeated.

Gary Ruthledge, State Lobbyist, stated that there will be a \$400,000 check (out of a \$10 million total distribution to Miami-Dade County) presented to the City at the July 28, 2004 City Commission Meeting for storm water projects. There are no additional funds for beach renourishment. He sadly reported that the cost differential for the Miami-Dade County School systems was modified and will have an adverse impact on the school systems on various counties. The session was marked with inaction, which was both good and bad. He stated that as a Lobbyist he looks to the future leadership in the House of Representatives. He recognized Fausto Gomez who was unable to attend today's meeting.

Bob Levy who provides Florida Legislative lobbying and consulting services for the City of Miami Beach thanked Vice-Mayor Steinberg who is Legislator Chairman with the Florida League of Cities and was very active on many of these issues. He explained that there is a provision that existed for counties and not for municipalities which now has been extended to municipalities and will permit cities to contract third parties to collect outstanding debts with an up to 40% surcharge to collect code enforcement liens, everything except Ad Valorem taxes. He explained that there will be an outcry when the citizens realize how fees have increased in the court system. He announced that the Sun Post awarded Representative Gus Barreiro as "Best Public Official of the Year" this year.

Gus Barreiro, State Representative, spoke. He thanked the Commission for their involvement with the issues in Tallahassee.

Dan Gelber, State Representative, spoke.

Julio Robaina, State Representative, spoke.

Mayor Dermer thanked Vice-Mayor Steinberg for his efforts in working with the League of Cities.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
July 7, 2004**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross Absent
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Assistant Director Christina M. Cuervo
Assistant Director Mayra Diaz Buttacavoli
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL

2. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of May 2004.

ACTION: Written report submitted.

2:31:12 p.m.

3. NEW BUSINESS

- A A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Authorizing The Use Of And Appropriating \$127,916 In South Pointe RDA Funding For The Design And Construction Of Lummus Park Improvements.

ACTION: Resolution No. 472-2004 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 5-0; Absent: Commissioners Cruz and Gross. Patricia Walker to appropriate the funds. Christina Cuervo and Tim Hemstreet to handle.

2:29:24 p.m.

Supplemental Material - Resolution

- B A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Ratifying Amendment No. 13A To The Agreement With Camp, Dresser And McKee (CDM) And Appropriating Corresponding Funding In The Amounts Of \$25,478.40 From City Center Redevelopment Area Tax Increment Funds And \$424.64 From South Pointe Redevelopment Area Tax Increment Funds To Provide Engineering Services For Upgrading Water And Sewer Pumping Stations; Said Amendment Providing For Construction Administration And Field Oversight Services (Tasks 2.0 And 3.0) For The Water And Waste Water Pump Stations Upgrades Project, In An Amount Not To Exceed \$424,640.

ACTION: Heard in conjunction with R7E. Resolution No. 473-2004 adopted. Motion made by Commissioner Bower; seconded by Commissioner Garcia; Voice vote: 5-0; Absent: Commissioners Cruz and Gross. Patricia Walker to appropriate the funds. Christina Cuervo and Tim Hemstreet to handle.

Meeting adjourned at 6:56:30 p.m.

Document submitted to City Clerk during this Commission Meeting:

Handout or Reference Materials

1. Email from Rick Wolfe, dated Wednesday, July 7, 2004, RE:17th Street Bathroom Structure

End of RDA Agenda